

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION**

MOUNTAVIUS ISAAH TODD,

Plaintiff,

v.

LOWNDES COUNTY JAIL, *et al.*,

Defendants.

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Case No.: 7:21-CV-102 (WLS-TQL)

ORDER

Before the Court is an “Recommendation” filed by United States Magistrate Judge Thomas Q. Langstaff on January 9, 2023. (Doc. 26.) Therein, Judge Langstaff recommends that Plaintiff’s Complaint (Doc. 1) be dismissed pursuant to Fed. R. Civ. P. 41(b) due to Plaintiff’s failure to diligently prosecute this action and that Defendant’s Motion to Dismiss Complaint or in the alternative Motion for Summary Judgment be denied as moot. (Docs. 20 & 26.) Plaintiff’s failure to prosecute this action is evident from the fact that Plaintiff failed to comply with this Court’s Order to show cause and has not updated his address since being released.¹ (Docs. 23 & 24.) The Recommendation noticed Plaintiff that he may serve and file a written objection to these recommendations within fourteen (14) days after being served with a copy of this recommendation. (Doc. 26.)

To date, no objection has been filed with this Court. Therefore, this Court reviews the Recommendation upon the record for clear error, and upon full review and consideration of the record, and finding neither plain error nor manifest injustice in Judge Langstaff’s

¹ Plaintiff’s mail was returned to this Court as undeliverable, with the notation “released.” (Doc. 23.)

Recommendation, *see United States v. Aponte*, 461 F. App'x 828, 830 n.2 (11th Cir. 2012) this Court finds that the Recommendation (Doc. 26) should be, and hereby is, **ACCEPTED, ADOPTED** and made the Order of this Court for reason of the findings made and reasons stated therein. Plaintiff's First Amendment claim against Officer Nesmith is **DISMISSED without Prejudice**. It is also hereby **ORDERED** that Defendant's Motion to Dismiss or in the alternative Motion for Summary Judgment (Doc. 20) is **DENIED without prejudice as MOOT**.

SO ORDERED, this 1st day of February 2023.

/s/ W. Louis Sands

**W. LOUIS SANDS, SR. JUDGE
UNITED STATES DISTRICT COURT**